

Minutes of the Regular Business Meeting of the
Board of Mayor and Aldermen of the City of Kingsport, Tennessee
Tuesday, November 19, 2013, 7:00 PM
Large Court Room – City Hall

PRESENT:

Board of Mayor and Aldermen

Mayor Dennis R. Phillips, Presiding
Alderman John Clark
Alderman Colette George
Vice-Mayor Mike McIntire

Alderman Tom C. Parham
Alderman Tom Segelhorst
Alderman Jantry Shupe

City Administration

John G. Campbell, City Manager
Joe May, Interim City Attorney
James H. Demming, City Recorder

- I. **CALL TO ORDER:** 7:00 p.m., by Mayor Dennis R. Phillips.
- II.A. **PLEDGE OF ALLEGIANCE TO THE FLAG:** State Representative Jon Lundberg.
- II.B. **INVOCATION:** Mitch Whisnant, Associate Minister – First Baptist Church.
- III. **ROLL CALL:** By City Recorder Demming. All Present.
- IV. **RECOGNITIONS AND PRESENTATIONS.**
 - 1. Presentation of Proclamation from the House of Representatives – Kingsport Birding Trail – State Representative Jon Lundberg.
 - 2. Recognition – Sullivan South Volleyball Team – Morris Baker.
- V. **APPROVAL OF MINUTES.**

Motion/Second: Parham/McIntire, to approve minutes for the following meetings:

- A. November 4, 2013 Regular Work Session
- B. November 5, 2013 Regular Business Meeting

Approved: All present voting "aye."

VI. **COMMUNITY INTEREST ITEMS.**

AA. **PUBLIC HEARINGS.** None.

A. **PUBLIC COMMENT.** Mayor Phillips invited citizens in attendance to speak about any of the remaining agenda items. Ms. Kathleen Beine and Ms. Pat Turner spoke in opposition of Item VI.B.1 while Mr. Tommy Hulse commented in favor of this item.

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B. BUSINESS MATTERS REQUIRING FIRST READING.

1. Consideration of an Ordinance to Amend Zoning of Parcel 1, Tax Map 46A, Located off West Stone Drive in the 11th Civil District of Sullivan County (AF: 277-2013). Mayor Phillips commented this rezoning fits with the long term plan for this property and noted it was the opinion of the city attorney that the Board can't arbitrarily turn it down. Interim City Attorney Joe May confirmed the function of zoning is to follow through with the long term plan for the area and it would be inappropriate to deny for partial use. Some discussion followed.

Motion/Second: McIntire/Segelhorst, to pass:

AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO ZONE PROPERTY ALONG WEST STONE DRIVE TO B-3, HIGHWAY ORIENTED BUSINESS DISTRICT IN THE 11TH CIVIL DISTRICT OF SULLIVAN COUNTY; TO FIX A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

2. Consideration of an Ordinance to Amend Zoning of a Portion of Parcel 125, Tax Map 32J, Located off East Stone Drive in the 10th Civil District of Sullivan County (AF: 278-2013). Mayor Phillip requested this item be deferred because the attorneys have not had a chance to talk about this yet.

Motion/Second: Parham/McIntire, to defer:

AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO ZONE PROPERTY ALONG EAST STONE DRIVE TO B-3, HIGHWAY ORIENTED BUSINESS DISTRICT IN THE 10TH CIVIL DISTRICT OF SULLIVAN COUNTY; TO FIX A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

3. Consideration of an Ordinance to Amend the Drug Fund Budget by Appropriating Funds for Various Projects (AF: 273-2013). Alderman Segelhorst commented this money was seized from drugs to buy cameras. Police Chief Quillin confirmed the money comes from fines, forfeitures and seized assets.

Motion/Second: Segelhorst/McIntire, to pass:

AN ORDINANCE TO AMEND THE DRUG FUND BUDGET FOR THE YEAR ENDING JUNE 30, 2014; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

4. Consideration of an Ordinance Amending Various Code Provisions Allowing the Manufacturing and Retail Sale of Beer in the Kingsport Business Area (AF: 294-2013). Mayor Phillips pointed out this will allow for a micro-brewery downtown.

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Motion/Second: Segelhorst/George, to pass:

AN ORDINANCE TO AMEND SECTIONS 6-173(e) AND 6-213 OF THE CODE OF ORDINANCES, CITY OF KINGSPORT, TENNESSEE, TO COMPLY WITH THE PROVISIONS OF TENNESSEE CODE ANNOTATED SECTION 57-5-101(c)(1) PERMITTING CERTAIN MANUFACTURES TO SELL AT RETAIL; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

5. Consideration of a Resolution to Authorize the Mayor to Sign All Documents Necessary to Enter into a Materials Agreement with Vic Davis Related to The Summitt at Preston Park Phase 3 Development and an Ordinance to Appropriate the Funds (AF: 295-2013). City Manager Campbell noted this will create 20 lots. Alderman Parham commented this was a positive step in development.

Motion/Second: McIntire/Parham, to pass:

Resolution No. 2014-083, A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A MATERIALS AGREEMENT WITH VIC DAVIS RELATED TO THE SUMMITT AT PRESTON PARK PHASE 3 DEVELOPMENT AND AUTHORIZING THE MAYOR TO SIGN ALL DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AGREEMENT

Passed: All present voting "aye."

Motion/Second: McIntire/Clark, to pass:

AN ORDINANCE TO AMEND THE WATER AND SEWER PROJECT FUNDS BY DECREASING FUNDS TRANSFERRED TO THE SUMMITT AT PRESTON PARK PHASE 3 MATERIALS AGREEMENT PROJECTS (WA1480 AND SW1480); AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

6. Consideration of a Resolution Accepting a Donation of Funds from the Jimmie Edward Allen Estate and Consideration of a Budget Ordinance to Appropriate Such Funds (AF: 292-2013).

Motion/Second: George/Shupe, to pass:

Resolution No. 2014-084, A RESOLUTION ACCEPTING A DONATION OF FUNDS FROM THE JIMMIE EDWARD ALLEN ESTATE FOR THE MAINTENANCE FOR THE SENIOR CENTER BILLIARDS ROOM AT THE KINGSPORT SENIOR CENTER

Passed: All present voting "aye."

Motion/Second: George/Parham, to pass:

AN ORDINANCE TO AMEND THE GENERAL PROJECT-SPECIAL REVENUE FUND BUDGET BY APPROPRIATING FUNDS RECEIVED AS A DONATION FOR THE SENIOR CENTER FOR THE YEAR ENDING JUNE 30, 2014; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

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7. Consideration of an Ordinance to Amend Various Project Funds (AF: 218-2013).

Motion/Second: George/Parham, to pass:

AN ORDINANCE TO AMEND THE GENERAL PROJECT, GENERAL PROJECT SPECIAL REVENUE, AND STORM WATER PROJECT FUND BUDGETS FOR THE YEAR ENDING JUNE 30, 2014; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

C. BUSINESS MATTERS REQUIRING FINAL ADOPTION.

1. Consideration of Ordinances to Annex/Amend Zoning of the Airport Parkway South Area 1 Annexation (AF: 280-2013).

Motion/Second: Parham/McIntire, to pass:

ORDINANCE NO. 6358, AN ORDINANCE TO ANNEX THAT CERTAIN TERRITORY ADJOINING THE PRESENT CORPORATE BOUNDARIES OF THE CITY OF KINGSFORT, EMBRACING THAT CERTAIN PART OF THE 7TH CIVIL DISTRICT OF SULLIVAN COUNTY, TENNESSEE, AND KNOWN AS THE AIRPORT PARKWAY SOUTH AREA 1 ANNEXATION, AS HEREINAFTER DESCRIBED; TO INCORPORATE THE SAME WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF KINGSFORT, TENNESSEE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Clark, George, McIntire, Parham, Segelhorst, Shupe and Phillips voting "aye."

Motion/Second: McIntire/Clark, to pass:

ORDINANCE NO. 6359, AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO ZONE PROPERTY ALONG AIRPORT PARKWAY AND SHIPLEY FERRY ROAD TO M-1, LIGHT MANUFACTURING DISTRICT IN THE 7TH CIVIL DISTRICT OF SULLIVAN COUNTY; TO FIX A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Clark, George, McIntire, Parham, Segelhorst, Shupe and Phillips voting "aye."

2. Consideration of an Ordinance to Amend the Code of Ordinances, Chapter 114, Article IV, Signs (AF: 279-2013).

Motion/Second: Segelhorst/McIntire, to pass:

ORDINANCE NO. 6360, AN ORDINANCE TO FURTHER AMEND THE CODE OF ORDINANCES, CITY OF KINGSFORT, TENNESSEE, ARTICLE IV., SIGNS, SECTION 114-536; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Clark, George, McIntire, Parham, Segelhorst, Shupe and Phillips voting "aye."

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D. OTHER BUSINESS.

1. Consideration of a Resolution to Authorize the Mayor to Sign All Documents Necessary to Apply and Receive the Assistance to Firefighters (AFG) Grant through the U.S. Fire Administration of the Federal Emergency Management Administration (FEMA) Division of the Department of Homeland Security (DHS) (AF: 293-2013).

Motion/Second: Segelhorst/George, to pass:

Resolution No. 2014-085, A RESOLUTION AUTHORIZING THE MAYOR TO SIGN ALL DOCUMENTS NECESSARY AND PROPER TO APPLY FOR AND RECEIVE TWO ASSISTANCE TO FIREFIGHTERS GRANTS FROM THE UNITED STATES FIRE ADMINISTRATION OF THE FEDERAL EMERGENCY MANAGEMENT ADMINISTRATION DIVISION OF THE DEPARTMENT OF HOMELAND SECURITY FOR THE KINGSPORT FIRE DEPARTMENT

Passed: All present voting "aye."

2. Consideration of a Resolution Authorizing the Mayor to Execute an Agreement with First Tennessee Bank National Association to Provide Comprehensive Banking Services for Five Years Beginning January 1, 2014 with Options for Two Renewals at Three Years Each (AF: 263-2013). City Recorder Demming provided details on this item, noting out of the four proposals received that First Tennessee Bank had the best one. He pointed out this will reduce the annual expenditure by \$20,000 for five years.

Motion/Second: Clark/Parham, to pass:

Resolution No. 2014-086, A RESOLUTION APPROVING AN AGREEMENT WITH FIRST TENNESSEE BANK NATIONAL ASSOCIATION AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT AND ALL OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AGREEMENT

Passed: All present voting "aye."

3. Consideration of a Resolution Awarding the Bid for the Purchase of Two (2) Police K-9 Utility Vehicles to TT of F Murfreesboro, Inc. (AF: 297-2013).

Motion/Second: McIntire/George, to pass:

Resolution No. 2014-087, A RESOLUTION AWARDING THE BID FOR THE PURCHASE OF TWO POLICE K-9 VEHICLES TO TT OF F MURFREESBORO, INC. AND AUTHORIZING THE CITY MANAGER TO EXECUTE A PURCHASE ORDER FOR THE SAME

Passed: All present voting "aye."

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4. Consideration of a Resolution Authorizing the Mayor to Sign All Documents Necessary to Execute the EEOP Short Form (AF: 291-2013). Alderman Segelhorst pointed out this ensures the federal government we are in compliance.

Motion/Second: George/Segelhorst, to pass:

Resolution No. 2014-088, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE THE 2013 EQUAL EMPLOYMENT OPPORTUNITY PLAN SHORT FORM FOR THE CITY AND THE POLICE DEPARTMENT

Passed: All present voting "aye."

5. Consideration of a Resolution Authorizing Renewal of Stop Loss Reinsurance with HCC Life Insurance Company for the Self-Funded Health Insurance (AF: 298-2013).

Motion/Second: McIntire/Parham, to pass:

Resolution No. 2014-089, A RESOLUTION AUTHORIZING RENEWAL OF THE POLICY WITH HCC LIFE INSURANCE COMPANY FOR STOP LOSS REINSURANCE COVERAGE AND AUTHORIZING THE MAYOR TO EXECUTE THE RENEWAL OF THE POLICY AND ALL AGREEMENTS AND OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE RENEWAL

Passed: All present voting "aye."

E. APPOINTMENTS/REAPPOINTMENTS. None.

VII. CONSENT AGENDA. *(These items are considered under one motion.)*

Motion/Second: George/Parham, to adopt:

1. Consideration of an Ordinance to Appropriate Such Funds for the Purchase of Replacement Computers (AF: 267-2013).

Adopt:

Ordinance No. 6361, AN ORDINANCE TO AMEND THE GENERAL FUND BUDGET BY APPROPRIATING FUNDS RECEIVED FROM THE FRIENDS OF THE LIBRARY FOR THE YEAR ENDING JUNE 30, 2014; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Clark, George, McIntire, Parham, Segelhorst, Shupe and Phillips voting "aye."

2. Consideration of a Budget Ordinance to Appropriate \$4,652.82 from the Department of Justice, Office of Justice Programs'/Bureau of Justice Assistance Bulletproof Vest Partnership (BVP) Reimbursement Grant (AF: 269-2013).

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Adopt:

Ordinance No. 6362, AN ORDINANCE TO AMEND THE DRUG FUND BUDGET BY APPROPRIATING GRANT FUNDS RECEIVED FROM THE DEPARTMENT OF JUSTICE FOR THE YEAR ENDING JUNE 30, 2014; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Clark, George, McIntire, Parham, Segelhorst, Shupe and Phillips voting "aye."

3. Consideration of an Ordinance to Amend the General Project Fund Budget by Appropriating General Obligation Public Improvement Bond Series 2013B (AF: 287-2013).

Adopt:

Ordinance No. 6363, AN ORDINANCE TO AMEND THE GENERAL PROJECT FUND, SOLID WASTE PROJECT FUND AND THE WATER AND SEWER FUND BUDGETS BY APPROPRIATING GENERAL OBLIGATION PUBLIC IMPROVEMENT BOND, SERIES 2013B; FOR THE FISCAL YEAR ENDING JUNE 30, 2014; AND, TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Clark, George, McIntire, Parham, Segelhorst, Shupe and Phillips voting "aye."

4. Consideration of an Ordinance to Amend the General Project Fund Budget by Appropriating General Obligation Public Improvement Bond Series 2013A (AF: 290-2013).

Adopt:

Ordinance No. 6364, AN ORDINANCE TO AMEND THE GENERAL PROJECT FUND BUDGET BY APPROPRIATING GENERAL OBLIGATION BOND, SERIES 2013A; FOR THE FISCAL YEAR ENDING JUNE 30, 2014; AND, TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Clark, George, McIntire, Parham, Segelhorst, Shupe and Phillips voting "aye."

5. Consideration of Approval for Additional Holiday Time at Christmas for City Employees (AF: 296-2013).

Approve:

ADDITIONAL HOLIDAY TIME AT CHRISTMAS FOR CITY EMPLOYEES


Passed in a roll call vote: Clark, George, McIntire, Parham, Segelhorst, Shupe and Phillips voting "aye."

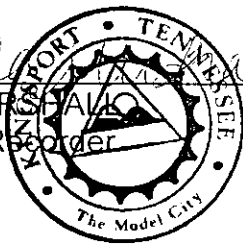
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VIII. COMMUNICATIONS.

- A. **CITY MANAGER.** Mr. Campbell stated the city has almost met the United Way goal, noting another record setting year and thanking those who support it. He commented on the Santa Train coming this Saturday, featuring the Dobyns Bennett Band. Mr. Campbell also asked Public Works Director Ryan McReynolds to discuss the changes to garbage and leaf pick-up during the week of Thanksgiving.
- B. **MAYOR AND BOARD MEMBERS.** Alderman Clark discussed the walking challenge that has taken place in Kingsport over the last eight weeks, noting several hundred people have participated. Alderman Parham stated he made comments in July that Kingsport needed to look at a vision, noting the needs and opportunities as well as examining roles and responsibilities. He stated excellent progress has been made. He also commented on the history of Kingsport government, pointing out the suggestion of the mayor at the work session regarding the hiring of certain staff members needs to be looked at in the visioning process. Vice-Mayor McIntire noted the upcoming Thanksgiving holiday and encouraged everyone to look for the reasons we are blessed. Alderman George commented on the League of Cities meeting last week, noting we are lucky to live in Kingsport, as we are more fortunate than many other cities. Alderman Segelhorst pointed out we have a great community with good school systems. He also thanked Public Works Director Ryan McReynolds and Police Chief Quillin for their presentations at the work session yesterday. Alderman Shupe wished everyone a Happy Thanksgiving, noting it was an honor to serve the community. Mayor Phillips stated Dr. Brian Nolan, the president of Northeast State, was in a serious accident yesterday. He offered well wishes as Mr. Nolan has been a good friend to Kingsport. The mayor also commented on the need for checks and balances regarding the positions of the city attorney, the city recorder and the police chief.
- C. **VISITORS.** Ms. Barbara Brown made comments.

IX. **ADJOURN.** Seeing no other business for consideration at this meeting, Mayor Phillips adjourned the meeting at 8:05 p.m.


ANGELA MARSHALL
Deputy City Recorder




DENNIS R. PHILLIPS
Mayor